P.O. BOX 12587 RALEIGH, NORTH CAROLINA 27605 919-733-7689

Thomas M. Mickey Executive Director George G. Hearn Board Attorney



DEC 27 2000

Joseph K. Gordon, D.V.M., President Raleigh Herbert A. Justus, D.V.M., Vice President Etowah Amy J. Lewis, D.V.M., Secretary-Treasurer Raleigh David E. Brooks, D.V.M. Pembroke Nellie P. Jones Winston-Salem David T. Marshall, D.V.M. Raleigh Kenneth R. Padgett, D.V.M. Jacksonville

December 22, 2000

Certified Mail, Return Receipt Requested

Kevin A. Monce, D.V.M. P. O. Box 15396 Wilmington, NC 28408

Re: Complaint No. 00048-2-1

Dear Dr. Monce:

The Veterinary Medical Board has received information which, if true, indicates that you have violated the Veterinary Practice Act, the Administrative Rules of the Board, or both, as set forth below. Pursuant to Board Rule .0601(a), please respond in writing to the Board concerning this complaint within twenty (20) days of receipt of this letter. This complaint has been assigned for investigation to Committee on Investigations No. 1.

The allegations of the complaint are:

- 1. You were first licensed by this Board June 13, 1994.
- 2. You first informed the Board of your association with a veterinary facility December 27, 1994, by means of your 1995 license renewal application. A copy of this 1995 renewal application is attached hereto as Board Exhibit A.
- 3. Your 1995 application disclosed that you were then operating a facility known as Veterinary Medicine Referral Hospital at 3319 Chapel Hill Boulevard, Durham, N.C. The Hospital was reported by you to have opened in August 1994 and to have been inspected by the Board March 16, 1994 "as an emergency clinic." You reported that it was new and never inspected by the Board as a referral hospital; that a mobile unit was not used; and that the activity status of the facility was "small animals."
 - 4. Prior to commencing the delivery of veterinary medical services at Veterinary Medicine Referral Hospital at the above-described address, you did not obtain a practice facility

inspection and approval of the facility and approval of the name of the facility as required by the Veterinary Practice Act and Board Rules.

- 5. The Board received your 1996 completed license renewal application January 23, 1996, a copy which is attached hereto as Board Exhibit B. Your facility name was listed as Veterinary Medicine Referral Hospital in Durham. You reported that the Hospital opened August, 1994. You changed the date (compared to the previous year's application) of the last inspection by the Board to "2/94 Triangle Pet Emergency Treatment Service." You reported that you were affiliated with Wilmington Animal Emergency Clinic in Wilmington, N.C. approximately four days per month.
- 6. As of December 27, 1994, the only veterinary medical facility at 3319 Chapel Hill Boulevard, Durham, inspected and approved by the Board was operated under the name Triangle P.E.T.S., Inc., an emergency facility originally opened in 1989 and inspected as an emergency facility at the current location March 16, 1994. The mode of practice was limited to small animal emergencies. The brochures for the facility indicate it was open from 6:00 p.m. to 8:00 a.m. weekdays, and on weekends from Saturday noon until Monday at 8:00 a.m. You of course were not listed as a staff veterinarian on the March 16, 1994 Board facility inspection report since you were not then licensed. However, you were not listed on either the October 19, 1996 or October 30, 1999 Board facility inspection reports as a staff veterinarian.
- 7. The Board received your completed 1997 license renewal application February 20, 1997, a copy of which is attached hereto as Board Exhibit C. The name of your facility and the office address were the same as listed on your previous two license renewal applications. There was no space on the revised application for information to be provided about previous inspections.
- 8. The Board received your completed 1998 license renewal application January 28, 1998, a copy of which is attached hereto as Board Exhibit D. This renewal application no longer reported the Veterinary Medicine Referral Hospital in Durham, N.C. as your practice facility address, but listed your practice address as Cary, N.C. 27511. This was the home address you had listed with the Board since your licensure in June, 1994.
- 9. You treated Gus, a dog owned by Nancy G. Deas and Edna E. Deas of Raleigh, at your above-described Durham facility on at least four occasions between July, 1995 and January, 1996.
- 10. You used the name Veterinary Medicine Referral Hospital to deliver veterinary medical services at a facility located at 2111 High House Road, Cary, N.C. at least between December, 1996 and 1998. The name of this facility was Veterinary Medicine Referral Hospital or, alternatively, may have been Cornerstone Animal Hospital. At this facility between December, 1996 and March, 1998, you rendered veterinary medical treatment and services to Gus and Alex,

dogs owned by Nancy G. Deas and Edna E. Deas. This Cary facility location was never inspected by the Board nor were either of the two alleged names approved by the Board.

- 11. The Board received your completed 1999 license renewal application January 22, 1999, a copy of which is attached hereto as Board Exhibit E. You reported that your practice facility office was VetSound, Inc., Cary, N.C. 27511. Your home address continued to be identified as this address. A telephone number different from your residence number was listed, and your e-mail address was identified as kmonce@vetsound.com.
- 12. You met with the Board January 15, 1999 at its invitation to discuss the nature of your veterinary practice. You represented to the Board that your practice was limited to a veterinary medical consulting service, a service you provided to veterinarians throughout North Carolina at their facilities, as well as consultation through the use of Internet. You introduced Ms. Renee Daniel to the Board. You informed the Board that she was licensed as a sonographer by the State of North Carolina. You represented to the Board that you and Ms. Daniel worked together in your consultative practice of obtaining ultrasound images of animals, which images would be read and interpreted by you.
- 13. The Executive Director of the Board wrote you and Ms. Daniel a letter of April 15, 1999 confirming the information conveyed by you to the Board. A copy of this April 15 letter from Thomas M. Mickey to you and Ms. Daniel is attached hereto as Board Exhibit F.
- 14. You treated the Deases' dog Gus on September 8, 1999 inside a mobile trailer owned by VetSound, Inc. while the trailer was on the premises of Durant Road Animal Hospital in Raleigh. The veterinary medical services were in the nature of pre-surgery cardio evaluation. This trailer was owned by a business corporation. It had not been inspected as required by the Veterinary Practice Act and Board Rules.
- 15. The Board received your completed 2000 license renewal application January 11, 2000, a copy of which is attached hereto as Board Exhibit G. You reported VetSound, Inc. as your office name, but both your office and home addresses were changed to 1105 Sturdivant Road, Cary, N.C. 27511. Under the application's activity status you checked the block "mobile practice."
- 16. On or about January 3, 2000 you provided veterinary medical treatment to the Deases' dog Alex inside the mobile trailer owned by VetSound, Inc. while it was located in the parking lot of Durant Road Animal Hospital. The veterinary medical services included abdominal ultrasound, abdominocentesis, biopsies of spleen tissue.
- 17. VetSound, Inc. is a N.C. business corporation formed June 7, 1995, the principal office of which upon incorporation was 505 Bethesda Road, Aberdeen, N.C. Renee D. Daniel was

its president. The corporation reported to the N.C. Secretary of State that its business was: mobile diagnostic veterinary ultrasound service (diagnostic ultrasound for animals).

18. The February, 1998, edition of the BellSouth Yellow Pages for Raleigh, N.C. included an advertisement on page 1266 for your veterinary medical services. A copy of this page 1266 is attached hereto as Board Exhibit H. Your name appears under the facility listed "Veterinary Medicine Referral Hospital" at the address of 2111 High House Road, Cary, N.C. The advertisement further lists "practice locations in Cary, Raleigh and Wilmington."

Based upon the foregoing information you are alleged to have violated the Veterinary Practice Act and/or Board Rules as follows:

- 1. Board Rule .0207(b)(15), by failing to obtain a Board facility inspection and approval for the "Veterinary Medicine Referral Hospital" at 3319 Chapel Hill Boulevard, Durham, N.C. before you commenced delivering veterinary medical services there, apparently in 1994. These violations continued during the years 1995, 1996, 1997, and perhaps 1998.
- 2. Board Rule .0207(b)(15), by not obtaining a Board facility inspection and approval for operating a veterinary practice at 2111 High House Road, Cary, N.C. between 1996 and 1998.
- 3. Board Rule .0202, by adopting names for your Durham and Cary practice locations, as alleged above, without prior approval of the Board.
- 4. G.S. § 90-187.11 and .12, by engaging in, and offering to engage in, veterinary medical practice through a business corporation, VetSound, Inc., in 1999 and 2000.
- 5. The veterinary medical services that you provided through the uninspected mobile trailer, owned by or under the name of VetSound, Inc., violated the Veterinary Practice Act and/or the administrative rules of the Board as follows:
- (a) G.S. § 90-187.11, by practicing veterinary medicine through a business corporation, VetSound, Inc., rather than through a professional corporation or other permitted professional business entity authorized by N.C.G.S. Chapter 55B.
- (b) Board Rule .0207(b)(15), failing to obtain inspection and approval of the mobile facility prior to your practice of veterinary medicine within it.
- (c) Board Rule .0202, by failing to obtain prior approval from the Board for the name of the practice through which you delivered these veterinary services.

- (d) Board Rule .0205(1), by making statements and representations to the Veterinary Medical Board in January, 1999 about the nature of your practice which were untrue, or which were so incomplete or inaccurate as to amount to misrepresentations. You misled the Board by not disclosing your ongoing practice in the mobile facility.
- (e) Board Rule .0205(4), by misleading Nancy G. Deas and Edna E. Deas through the implied representation that the facilities in which you provided veterinary medical services to the Deases' dogs Alex and Gus between 1995 and 2000 were in compliance with the statutes and rules of the Board.
- (f) Board Rule .0208, by not complying with the provisions of this Rule for facilities providing limited veterinary services.
- 6. The advertisement on page 1266 of the BellSouth Yellow Pages for 1998 under your name violated the following Rules or statutory subsections:
- (a) Board Rule .0207(b)(15), by soliciting to provide veterinary medical services facilities in Cary, Raleigh and Wilmington without having obtained a Board inspection and approval prior to commencing the operation of the facilities.
- (b) Board Rule .0205(4), by impliedly misrepresenting to the public that your facilities in Cary, Raleigh and Wilmington were in compliance with the Veterinary Practice Act and Board Rules with respect to the treatments for services offered.

Please let this letter also serve as the formal demand of the Veterinary Medical Board that you cease and desist any practice of veterinary medicine that is violating, or may violate, the Veterinary Practice Act or Board Rules, or both, until such time as you and facilities that you operate are in compliance with the requirements governing such by the Veterinary Practice Act and Board Rules, including but not limited to those relating to health and sanitary inspections, use of a name other than your own, mobile facility inspection; and delivering veterinary medical services through a statutory-permitted business organizational structure.

Very Truly Yours,

Thomas M. Michely

Thomas M. Mickey Executive Director

TMM/ccs Attachments

cc: Committee on Investigations No. 1

George G. Hearn, Esq.

F:\DOCS\GGH\Ncvmb-89611\Monce, Kevin A Complaint V2.wpd

RETURN COMPLETED FORM AND FEE TO: FEE \$50 LIC. NO. __3661 199 Que January NORTH CAROLINA VETERINARY MEDICAL BOARD \$10 LATE FF DATE LIC. 94/06/13 P.O. Box 12587 • Raleigh, NC 27605 After January SCHOOL Auburn LICENSE RENEWAL NOTICE 1995 FOR BOARD US: LICENSES NOT RENEWED BY LAST DAY YEAR GRAD. 1984 OF FEBRUARY ARE REVOKED PLEASE TYPE OR PRINT ANY CORRECTIONS DATE RECEIVED Kevin Arthur Monce, DVM AMT. \$ 5 <u>Kevin Arthur Monce</u> FACILITY NAME Veterinary Medicine Referral He ASSOCIATED FACILITIES & LOCATIONS: STREET (STATE) HOSPITAL PHONE: -919-460-1841 919/419-8060 COUNTY: Wake-DATE HOSPITAL OPENED: DATE OF LAST INSPECTION BY BOARD: 3/16 IS MOBILE UNIT USED? arefe NEW AND NEVER INSPECTED BY BOARD IF SO, WHERE IS IT BASED? hospital YEAR BEGAN PRACTICE IN N.C. ACTIVITY STATUS RETIRED SMALL ANIMALS HOME ADDRESS: LARGE ANIMALS FED. GOV. MIXED ANIMALS STATE COV. STREET HOUSE CALL PRACTICE COMMERCIAL MOBILE PRACTICE ARMED FORCES (71P) **EMERGENCY** UNIV./TEACHING UNEMPLOYED WORKING IN OTHER FIE HOME PHONE: INCAPACITATED WHAT FIELD? _ CONTINUING EDUCATION

21 NCAC66 .0206(1) requires that each Veterinarian licensed in North Carolina provide evidence of a minimum of 15 hours of continue education credits each year to be eligible for license renewal. Please provide information on continuing education credits earned during past calendar year. Documentation for Continuing Education should be maintained for three (3) years.

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TOTAL CREDITS OR HOURS 20

The applicant understands that any new veterinary practice facility, or one changing ownership, must be inspected and approved by the Bo before being used for practice. All facilities must comply with the standards established in the North Carolina Veterinary Practice Act.

I have carefully read the requests for information in the foregoing application and have answered them completely, with reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein true and correct. Should I furnish any false information in this application, I hereby agree that such action shall constitute cause for suspension or revocation of my license to practice Veterinary Medicine in the State of North Carolina.





IF YOU DO NOT WISH TO RENEW, CHECK HER!

APPLICATION IS HEREBY MADE FOR RENEW

Signature of Applicant

1

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I have carefully read the requests for information in the foregoing application and have answered them completely, with reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein true and correct. Should I furnish any false information in this application, I hereby agree that such action shall constit cause for suspension or revocation of my license to practice Veterinary Medicine in the State of North Carolina.





IF YOU DO NOT WISH TO RENEW, CHECK HER! APPLICATION IS HEREBY MADE FOR RENEW Signature of Applicant

FEB 1 9 1997

NORTH CAROLINA VETERINARY MEDICAL BOARD

VETERINARY LICENSE RENEWAL NOTICE

1997

LICENSES NOT RENEWED BY LAST DAY OF FEBRUARY ARE REVOKED

Lic. No. 3661

P.O. Box 12587, Raleigh, North Carolina 27605

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Fee \$75 (Due January 1) – (L	ate Fee \$50 After Januar	ry 3x)		
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Cary, NC 27511	House Call Practice	Commercial		
Home Address	MOBILE PRACTICE	ARMED FORCES		
WORK PHONE 919-419-8060	☐ EMERGENCY	University/Teaching		
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VETERINARY LICENSE RENEWAL NOTICE

1998

LICENSES NOT RENEWED

BY LAST DAY OF FEBRUARY ARE REVOKED

P.O. BOX 12587, RALEIGH, NORTH CAROLINA 27605

Fee \$75 (Due January 1) - (Late Fee Additional \$50 After January 31)

Kevin Arthur Monce, DVM	FOR BOARD	USE ONLY
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School Auburn	Year of Grad.	1984
Social Sec. #	Date of Birth	01/23/1958
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VETERINARY LICENSE RENEWAL NOTICE

1999

LICENSES NOT RENEWED

BY LAST DAY OF FEBRUARY ARE REVOKED P.O. BOX 12587, RALEIGH, NORTH CAROLINA 27605

Fee \$75 (Due January 1) - (Late Fee Additional \$50 After January 31)

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OVER

OFFICE OF THE EXECUTIVE DIRECTOR

P.O. BOX 12587 RALEIGH, NORTH CAROLINA 27605 919-733-7689

Thomas M. Mickey Executive Director George G. Hearn Board Attorney



Kenneth R, Padgell, D.V.M., President
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Joseph K, Gordon, B.V.M., Vice President
Raleigh
Herbert A, Justus, D.V.M., Secretary-Treasurer
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Pembroke
George C, Edwards, D.V.M.,
Raleigh
Nelle P, Jones
Winston-Salern
Amy J, Lewis, D.V.M.

Raleigh

April 15, 1999

Kevin Arthur Monce, D.V.M. & Ms. Renec Daniels VetSound, Inc.

VENEL THAT A TENE THE TAXABLE TENED OF THE

Cary, NC 27511

Re: Your Meeting with the NC Veterinary Medical Board

Dear Dr. Monce & Ms. Daniels:

I write on behalf of the North Carolina Veterinary Medical Board to thank you for attending its January 15, 1999, Board Meeting. Your presentation to the Board was very informative and exactly the type of information that the Board needed.

This is the first experience, as a whole, for the Board to review your method of providing consulting services to veterinarians throughout the state by the use of the Internet.

Your meeting with the Board satisfied its question as to how Renee was able to provide diaghostic reports in a real time manner. The Board was not aware that it was actually you, Dr. Monce, that was producing the reports and that those reports were being delivered by the Internet.

Your innovated method of providing consulting services to veterinarians in the state is unique and that the Board would like to be kept informed of any changes or developments that occur.

Again thank you very much for your timely and informative discussion with the Board.

Very truly yours,

Thomas M. Mickey Executive Director

TMM/lm



VETERINARY LICENSE RENEWAL NOTICE

2000

LICENSES NOT RENEWED

BY LAST DAY OF FEBRUARY ARE REVOKED P.O. BOX 12587, RALEIGH, NORTH CAROLINA 27605

Fee \$75 (Due January 1) - (Late Fee Additional \$50 After January 31)

Home Information	. п	LICENSE NO.	3661
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Veterinarians

Dr. Virginia A. Brown Dr. Chris Whittier Dr. Karen H. Taylor



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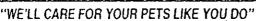
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- Dental Care · Baths & Boarding For **Our Clients**

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Wed & Fri 7:30-1, 2-6

1st, 3rd, & 5th Sat of Month 11-3

Mon 7:30-1, 2-7:30

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Veterinarians-DVM-(Cont'd)

VETERINARY SPECIALTY HOSPITAL OF THE CAROLINAS

WAKE FOREST ANIMAL HOSPITAL Dr Norman Manning Hwy 98 Wake Forest ------ 556-1000

WAKE VETERINARY HOSPITAL INC

KNIGHTDALE AREA

Practice Of Small Animals

Dr. George N. Kahdy Dr. Phil G. DeBrito Dr. Deanna Lindsey

266-9852

7633 E US 64 Hwy Kni ----- 266-9852

WELLINGTON ANIMAL HOSPITAL

See Our Ad At Veterinarians-DVM 6400 Tryon Rd Cary-----ZEBULON ANIMAL HOSPITAL

1403 N Arendell Av Zeb ----Emergency ------

Veterinarians-DVM-Dermatologists

Atlee Barbara A 305 Ashville Av Cary ----- 233-4911

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Veterinarians-DVM-Internal Medicine

- 233-4911 VETERINARY MEDICINE REFERRAL HOSPITAL

KEVIN MONCE, DVM. Diplomate, American College of Veterinary Internal Medicine

Specializing in the diagnosis & treatment of cardiovascular, medical neurology & oncology (cancer) diagnosis & treatment.

GERIATRIC MEDICINE . ADVANCED DIAGNOSTIC **PROCEDURES**

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Veterinarians-DVM-Ophthalmologists

Animal Eye Care 220 High House Rd Cary --- 319-33

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554-2222

312 SOUTH MAIN ST, ROLESVILLE



SMALL ANIMAL

MEDICINE

SURGERY

DENTISTRY

4222 N.W. CARY PKWY, CARY NO



(Located in Presion Business Center Heal To Brueggers Bagets)



'Quality Care is our Primary Focus'